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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,836	10/26/2005	Hermann Wimmer	034691/291471	3762
826 7590 03/07/2007 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER MCCALL, ERIC SCOTT	
			ART UNIT 2855	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/531,836

Applicant(s)

WIMMER, HERMANN

Examiner

Eric S. McCall

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on DEC. 19, 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 60-64,66 and 68-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 60-64,66 and 68-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

TEST STAND FOR MOTOR VEHICLES

FINAL OFFICE ACTION

In response to the Applicant's amendment dated Dec. 19, 2006

SPECIFICATION

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. The Applicant's cooperation is requested in correcting any errors of which the Applicant may become aware of in the specification.

CLAIMS

35 U.S.C. § 102

In response to the Applicant's amendments, the rejection of claims 60-66 under 35 U.S.C. 102(e) as being anticipated by Schoeninger (6,739,185) as forth in the previous office action (9/19/2006) has been overcome. However, the following now applies:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 60-64, 66, and 68-81 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamakado et al. (6,427,528).

With regards to claim 60, Yamakado et al. set forth a test stand for motor vehicles comprising:

a mounting frame,

a roller assembly mounted to the mounting frame so as to permit at least slight movement in each of at least two degrees of freedom, with said roller assembly comprising a rotatable contact surface positioned to support a rolling wheel of a motor vehicle, and a drive for rotatably driving the contact surface (Fig. 1a),

sensor means for measuring, in at least one of the degrees of freedom, the force that is operative between the roller assembly and a predetermined fixed point (col. 5, lines 30-52), and

wherein the roller assembly comprises at least two parallel rollers, with an endless belt extending about the peripheries of the two rollers and defining the rotatable contact surface as claimed (Fig. 1a).

With regards to claim 61, Yamakado et al. set forth a drive inherently configured to be braked.

With regard to claims 63 and 64, Yamakado et al. set forth the two degrees of freedom corresponding to movement in the travel direction and transverse to the travel direction (col. 5, lines 32-39).

With regards to claim 66, Yamakado suggests that the mounting frame is rotatable about a vertical axis as claimed (Fig. 1c).

With regards to claim 69, Yamakado suggests mounting the mounting frame within a floor opening as claimed (Figs. 8 & 9).

With regards to claim 70, Yamakado suggests an arrangement of rollers mounted to the mounting frame so as to underlie and support the upper surface of the endless belt as claimed because if not the purpose of the belt would be defeated.

With regards to claim 71, the rollers of Yamakado are interpreted as including a guide means for absorbing lateral forces imparted to the endless belt during operation of the test stand because when a vehicle is tested, lateral forces will be present and transferred to the belt and the rollers. Thus, the lateral forces must be absorbed.

With regards to claim 74, in order to test a vehicle on the test stand of Yamakado et al., it is inherent that each support roller would be mounted for movement between a raised operative position and a lowered position which permits the wheel of the vehicle being tested to travel over the support roller so that the vehicle can move on and off of the test stand.

With regards to claim 78, Yamakado et al. suggest a test stand for motor vehicles comprising:

a mounting frame,

a roller assembly mounted to the mounting frame so as to permit at least slight movement in each of at least two degrees of freedom (during operation the vehicle of Yamakado et al. will move slightly in all directions), with said roller assembly comprising at least two parallel rollers with an endless belt extending about the peripheries of the rollers so as to form a rotatable contact surface positioned to support a rolling wheel of a motor vehicle thereupon (Fig. 1a), and wherein the at least two degrees of freedom include a first degree of movement corresponding to a horizontal direction of travel along which the vehicle is adapted to move and a second degree of movement corresponding to a horizontal direction which is transverse to the direction of travel, and a drive for rotating the rollers and the endless belt, and

sensor means for measuring the force between the roller assembly and a predetermined fixed point in each of the two degrees of freedom (col. 5, lines 30+).

Response To Arguments

The Applicant's arguments have been considered and in connection with the amendments to the claims have been found to be persuasive. All previous claim rejections have been overcome and withdrawn.

CITED DOCUMENTS

The Applicant's attention is directed to the enclosed "PTO-892" form for the prior art made of record at the time of this office action.

CONCLUSION

The Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37


CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric S. McCall whose telephone number is (571) 272-2183.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Eric S. McCall
Primary Examiner
AU 2855
March 01, 2007